

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cassandra Fenkel	Team: Squad #6	CCRB Case #: 201900814	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 01/22/2019 3:50 PM	Location of Incident: East 125th Street 4/5/6 train subway station	Precinct: 25	18 Mo. SOL 7/22/2020	EO SOL 3/8/2021	
Date/Time CV Reported Tue, 01/22/2019 3:47 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 01/28/2019 11:06 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Md Rahman	08332	956186	TB ATU
2. POM Atif Chohan	12286	955815	TB ATU

Officer(s)	Allegation	Investigator Recommendation
A.POM Atif Chohan	Force: Police Officer Atif Chohan used physical force against § 87(2)(b)	
B.POM Atif Chohan	Discourtesy: Police Officer Atif Chohan spoke discourteously to § 87(2)(b)	
C.POM Md Rahman	Abuse: Police Officer Md Rahman refused to provide his name to § 87(2)(b)	
D.POM Md Rahman	Abuse: Police Officer Md Rahman refused to provide his shield number to § 87(2)(b)	
E.POM Atif Chohan	Abuse: Police Officer Atif Chohan refused to provide his name to § 87(2)(b)	
F.POM Atif Chohan	Abuse: Police Officer Atif Chohan refused to provide his shield number to § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Case Summary

On January 22, 2019, § 87(2)(b) called 911 and was connected to the IAB Command Center, where he filed this complaint on behalf of himself and his mother, § 87(2)(b).

On January 22, 2019, at approximately 3:50 p.m., § 87(2)(b) and § 87(2)(b)'s friend, § 87(2)(b) entered the 4/5/6 train subway station at East 125th Street and Lexington Avenue in Manhattan. § 87(2)(b) and § 87(2)(b) had a dispute with an unidentified individual and PO Md Rahman and PO Atif Chohan, both of the Transit Bureau Anti-Terrorism Unit, responded to the location. PO Chohan pushed § 87(2)(b) (**Allegation A: Force**, § 87(2)(g) and allegedly told § 87(2)(b) to “take your dumb ass out of here” and “get the fuck off the platform” (**Allegation B: Discourtesy**, § 87(2)(g)). § 87(2)(b) requested PO Rahman and PO Chohan's names and shield numbers, which they each allegedly refused to provide (**Allegations C – D: Abuse of Authority**, § 87(2)(g)). **Allegations E – F: Abuse of Authority**, § 87(2)(g). No arrests or summonses resulted from this incident.

§ 87(2)(g), § 87(4-b)

§ 87(2)(b).

The CCRB obtained video footage from MTA surveillance cameras inside of the East 125th Street and Lexington Avenue 4/5/6 train subway station. The original footage is located in IAs #79 – 81 (Board Review 01, Board Review 02, Board Review 03) and summarized in IAs #84 – 86 (Board Review 04, Board Review 05, Board Review 06). A sub clip generated via iNPUT-Ace containing the surveillance footage related to the investigation is located in IA #89 (Board Review 07) and summarized in IA #106 (Board Review 08).

The Transit Bureau Anti-Terrorism Unit was not issued body-worn cameras at the time of this incident.

Findings and Recommendations

Allegation A – Force: Police Officer Atif Chohan used physical force against § 87(2)(b)

MTA surveillance footage of the subway station platform (Board Review 07) depicts the following: At the 00:46 minute mark, § 87(2)(b) and an unidentified individual exit from the elevator onto the platform. § 87(2)(b) is wearing a black jacket, jeans, and a tan baseball cap. § 87(2)(b) is wearing a long black winter coat and a black beanie. § 87(2)(b) is wearing a blue baseball cap, a black jacket, and is holding a plastic bag. The unidentified individual is wearing a black jacket with a hood over their head and is pushing a walker. § 87(2)(b) and the unidentified individual begin to speak with PO Chohan and PO Rahman, who are already present on the platform. At the 00:58 minute mark, § 87(2)(b) raises her cane above her head and steps toward the unidentified individual. PO Chohan places his forearm against § 87(2)(b)'s arm and pushes her away. § 87(2)(b) is moved several feet but maintains her balance and does not fall or hit her head.

§ 87(2)(b) (Board Review 09) testified that she boarded the elevator on the mezzanine level of the subway station with § 87(2)(b) and § 87(2)(b). An unidentified individual attempted to force his way inside the crowded elevator and § 87(2)(b) began to argue with him. § 87(2)(b) threatened to hit the unidentified individual with her cane, at which point he punched § 87(2)(b) in the chest. PO Rahman and PO Chohan were already present when the elevator reached the platform and § 87(2)(b) and the unidentified individual immediately began speaking to the officers. § 87(2)(b) accused the unidentified individual of punching her

and breaking her headphones and the unidentified individual accused § 87(2)(b) of assaulting him. PO Rahman and PO Chohan ordered the unidentified individual to leave, at which point § 87(2)(b) walked toward him while shaking her cane in the air and demanded money for her headphones. PO Chohan grabbed § 87(2)(b) by each of her forearms and pushed her backwards, causing § 87(2)(b) to fall and hit her head against the wall of the subway station. As a result of this force, § 87(2)(b) sustained a headache and dizziness and sought medical attention § 87(2)(b) later that day.

§ 87(2)(b)'s medical records from § 87(2)(b) (Board Review 10) documented that § 87(2)(b) complained of being assaulted and punched in the back of her head and stomach, but did not attribute these actions to any specific civilian or officer. § 87(2)(b) received a cat scan of her head, which did not show any acute condition, and she was discharged with instructions to take Tylenol.

§ 87(2)(b)'s (Board Review 11) testimony was generally consistent with § 87(2)(b)'s account, apart from the following details. § 87(2)(b) testified that on the platform, § 87(2)(b) told the unidentified individual she was going to “get her people” and “fuck him up” and reached toward him from behind. PO Chohan then pushed § 87(2)(b) in the chest approximately three times, which caused § 87(2)(b) to stumble slightly but not otherwise fall.

§ 87(2)(b) was unavailable to the investigation (see IAs for contact attempts).

PO Chohan (Board Review 12) testified that he and PO Rahman were on patrol in the downtown 4/5 train platform when they were alerted to an altercation by multiple passerbys. Upon their arrival, § 87(2)(b) stated that the unidentified individual assaulted § 87(2)(b) and insisted that the officers arrest the individual. PO Chohan and PO Rahman attempted to separate § 87(2)(b) and the parties, at which point § 87(2)(b) raised her cane in the air and charged at the unidentified individual. PO Chohan positioned himself between § 87(2)(b) and the unidentified individual and in doing so, § 87(2)(b) bumped into PO Chohan's chest. PO Chohan denied that he pushed § 87(2)(b). Upon being shown the MTA surveillance footage, PO Chohan acknowledged that he pushed § 87(2)(b) with his forearm to prevent her from charging at the unidentified individual.

PO Rahman (Board Review 13) denied that he saw PO Chohan push § 87(2)(b) and testified that he was unaware of any physical contact between them.

According to NYPD Patrol Guide, Procedure 221-01 (Board Review 14), officers may use reasonable force under the circumstances to ensure the safety of a third person.

§ 87(2)(g)
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§ 87(2)(g).

Allegation B – Discourtesy: Police Officer Atif Chohan spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that after PO Chohan pushed § 87(2)(b), § 87(2)(b) told him not to put her hands on her. PO Chohan allegedly ordered both § 87(2)(b) and § 87(2)(b) to “take your dumb asses out of here” and to “get the fuck off the platform.”

§ 87(2)(b) testified that PO Chohan ordered her to leave the subway station after he pushed her but denied that PO Chohan used any profanity.

PO Chohan testified that he told § 87(2)(b) and § 87(2)(b) that they were acting disorderly and would need to leave if they continued to yell and scream. PO Chohan denied that he ever told § 87(2)(b) or § 87(2)(b) to “take your dumb ass out of here” or to “get the fuck off the platform.”

PO Rahman denied hearing PO Chohan use profanity at any point during this incident.

§ 87(2)(g)

Allegation C – Abuse of Authority: Police Officer Md Rahman refused to provide his name to § 87(2)(b)

Allegation D – Abuse of Authority: Police Officer Md Rahman refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) testified that he requested PO Rahman’s name and shield number and that PO Rahman allegedly told him, “No.” § 87(2)(b) did not have PO Rahman’s name or shield number at the time that he filed this complaint. § 87(2)(b) provided photographs of PO Rahman that he took on his cell phone (Board Review 15, Board Review 16), but PO Rahman’s nameplate and shield number were not visible due to the camera angle and PO Rahman’s distance from § 87(2)(b).

§ 87(2)(b) denied that she heard § 87(2)(b) request PO Rahman’s name and shield number and believed he only requested PO Chohan’s name and shield number.

PO Rahman testified that § 87(2)(b) requested his shield number and that he told § 87(2)(b) it was “right here” in reference to his uniform. PO Rahman did not verbally provide his name or his shield number to § 87(2)(b) upon request because § 87(2)(b) was approximately 10 feet away and using his cell phone. § 87(2)(b) took a photograph of PO Rahman with his cell phone, which led PO Rahman to conclude that § 87(2)(b) obtained his shield number.

PO Chohan corroborated that § 87(2)(b) requested PO Rahman’s name and shield number but stated that he could not recall how PO Rahman replied. PO Chohan denied that PO Rahman refused to provide his name or shield number to § 87(2)(b).

According to NYPD Patrol Guide, Procedure 203-09 (Board Review 17), an officer is required to courteously and clearly state their name and shield number, or otherwise provide them, to anyone who requests for them to do so.

§ 87(2)(g)

Allegation E – Abuse of Authority: Police Officer Atif Chohan refused to provide his name to § 87(2)(b)

Allegation F – Abuse of Authority: Police Officer Atif Chohan refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) testified that he requested PO Chohan’s name and shield number and that PO Chohan allegedly told him, “No.” § 87(2)(b) did not have PO Chohan’s name or shield number at the time he filed this complaint.

§ 87(2)(b) testified that § 87(2)(b) told PO Chohan he wanted his name and shield number and PO Chohan stated, “You can get it” and outstretched his shirt near his shield and asked, “You gonna take it or what?” PO Chohan did not provide his name or shield number verbally. § 87(2)(b) who was standing directly next to PO Chohan, did not make any further requests.

PO Chohan testified that § 87(2)(b) requested his name and shield number and he stated that it was “right here” in reference to his uniform. PO Chohan also verbally provided his name and shield number to § 87(2)(b).

PO Rahman corroborated that § 87(2)(b) requested PO Chohan’s shield number, but stated that he did not know how PO Chohan replied.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party to nine other CCRB complaints and has been named a victim in 42 allegations (Board Review 19):

- § 87(2)(b)
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§ 87(2)(b)

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- [REDACTED]

- _____ has been a party to one other CCRB complaint and has been named

- § 87(2)(b)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.

- As of July 31, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 21).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

- [REDACTED]
- [REDACTED]
- [REDACTED]

Squad No.: #6

Investigator: _____

Signature _____ Print Title & Name _____ Date _____

Squad Leader: _____

	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date